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|-----------------------------------|---|------------------------|
| In re Application of | : | NOTIFICATION REGARDING |
| BERGENWALL et al. | : | DEFECTIVE DECLARATION |
| Application No.: 10/070,212 | : | |
| PCT No.: PCT/EP00/03478 | : | AND |
| Int. Filing Date: 17 April 2000 | : | |
| Priority Date: 13 September 1999 | : | REQUIREMENT FOR NEW |
| Attorney Docket No.: 4925-213PUS | : | DECLARATION OR REQUEST |
| For: ADVANCE SERVICE ARCHITECTURE | : | UNDER 37 CFR 1.497(d) |
| FOR NEXT GENERATION NETWORK | : | |
| SERVICE AND INTELLIGENT DATA | : | |
| NETWORK ROUTER | : | |

This is to notify applicant that the declaration filed on 12 June 2002 in the above-captioned application is not in compliance with 37 CFR 1.497(a) and that a new declaration or submission under 37 CFR 1.497(d) is required.

BACKGROUND

On 17 April 2000, applicants filed the above-captioned international application, which claimed a priority date of 13 September 1999 and designated the United States. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 22 March 2001. The international application named Martin Bergenwall; Kengatharan Sivalingam; and Sami Uskela as applicants/inventors. A Demand for international preliminary examination was filed prior to 19 months from the priority date. Accordingly, the thirty-month period for paying the basic national fee expired at midnight on 13 March 2002.

On 28 February 2002, applicants filed a transmittal letter for entry into the national stage in the United States which was accompanied by, *inter alia*, a basic national fee of \$840, a translation of the international application, and a preliminary amendment.

On 19 March 2002, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements (Form PCT/DO/EO/905) requiring an oath or declaration in compliance with 37 CFR 1.492(a) and (b) and the surcharge 37 CFR 1.492(e). The notification set a two-month time limit in which to respond.

On 12 June 2002, applicants filed a declaration naming as inventors and signed by Martin Bergenwall; Kengatharan Sivalingam; Sami Uskela; Hakan Mitts; Petteri Poyhonen; Aapo Rautiainen; Mari Nieminen; Eva-Maria Leppanen; Lucia Tudose; and Andrei Kruger.

DISCUSSION

The declaration filed 12 June 2002 is not acceptable. Specifically, the declaration sets forth additional inventors (Hakan Mitts; Petteri Poyhonen; Aapo Rautiainen; Mari Nieminen; Eva-Maria Leppanen; Lucia Tudose; and Andrei Kruger) who have not been named in the international application.

In that an acceptable declaration of the inventor(s) has not been submitted, the application cannot be accepted into the national stage at this time.

Applicant must submit either: 1) a submission under 37 CFR 1.497(d) requesting correction of the inventors named in the international application to include Hakan Mitts; Petteri Poyhonen; Aapo Rautiainen; Mari Nieminen; Eva-Maria Leppanen; Lucia Tudose; and Andrei Kruger, (2) a new declaration naming and signed by only Martin Bergenwall; Kengatharan Sivalingam; and Sami Uskela accompanied by an acceptable explanation of the misnaming of the inventor on the present declaration, or (3) a showing that a 92bis change was made prior to the National stage filing. A proper response, as discussed above, must be filed within **ONE (1) MONTH** of the date of mailing of this notification. No extensions of this time limit may be obtained under 37 CFR 1.136(a), but the period for response set forth in the Notification of Missing Requirements may be extended up to a maximum of five months.

A submission under 37 CFR 1.497(d) to correct an error in naming inventorship requires:

- (1) a petition including a statement from each person being added or deleted as an inventor that the error in inventorship occurred without any deceptive intention on his or her part;
- (2) an oath or declaration by the actual inventor(s) as required by 37 CFR 1.63;
- (3) the fee set forth in 37 CFR 1.17(i); and
- (4) if an assignment has been executed by any of the original named inventors, the written consent of the assignee in compliance with 37 CFR 3.73(b).

Any further correspondence with respect to this matter should be addressed to the Assistant Commissioner for Patents, Box PCT, Washington, D.C. 20231, with the contents of the letter marked to the attention of the PCT Legal Office.



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